

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the application of  
Constantino Fourniotis dba Acropolis Airport  
Shuttle to transfer his PSC 12903 certificate to  
Abdisamad Deria.

Application 02-04-013  
(Filed April 8, 2002)

**O P I N I O N****Summary**

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Constantino Fourniotis (Transferor), an individual, to Abdisamad M. Deria (Transferee), an individual.

**Discussion**

Transferor is authorized to operate as an on-call PSC between points in San Francisco, Alameda, Solano, and Contra Costa Counties, on the one hand, and, San Jose (SJC), Oakland (OAK), and San Francisco (SFO) International Airports, on the other hand. This authority (PSC-12903) was granted by Decision (D.) 00-04-052, as amended by D.01-03-016.

Transferor holds a PSC certificate (PSC-13530) that is essentially the same as Transfeor's, except it does not include Solano County. This authority was granted by D.01-05-072.

Transferee has agreed to sell his PSC certificate, goodwill, and trade name to Transferee for \$6,000. This application requests approval to transfer the

certificate and merge it with Transferee's existing certificate, the net effect being to add Solano County.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 16, 2002.

In Resolution ALJ 176-3086 dated April 23, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3086.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Transferor is operating as a PSC pursuant to D.00-04-052, as amended by D.01-03-016.
2. Transferor requests authority to sell his PSC certificate to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

## O R D E R

### **IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Constantino Fourniotis (Transferor), an individual, may transfer the operative rights specified in this application to Abdisamad M. Deria (Transferee), an individual, subject to the conditions contained in the following paragraphs.
2. Upon completion of transfer, the certificate of public convenience and necessity (CPCN), granted to Transferee authorizing him to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-13530 of Decision (D.) 01-05-072, is amended by replacing Original Page 3 with First Revised Page 3.
3. Transferee shall:
  - a. File a written acceptance of this certificate within 30 days after this order is effective.
  - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
  - c. Adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
  - d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.

- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
  - f. Maintain accounting records in conformity with the Uniform System of Accounts.
  - g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
  - h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
  - i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
4. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that his evidence of insurance and other documents required by Ordering Paragraph 3 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.
5. The CPCN granted to Transferor by D.00-04-052, as amended by D.01-03-016 is revoked on the date Transferee is notified that he may commence operations as provided in Ordering Paragraph 4.
6. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.
7. The CPCN to operate as PSC-13530, granted herein, shall expire unless exercised within 120 days after the effective date of this order.
8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

SECTION II. SERVICE AREA.

- A. Within the geographical limits of the Counties of San Francisco, Contra Costa, Alameda, Santa Clara, and \*Solano.
- B. San Francisco International Airport.  
Oakland International Airport.  
San Jose International Airport.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to any airport described in Section IIB.